

The Commission's Executive Director instructed the Company to publish a Notice of Filing one time in newspapers of general circulation. The purpose of the Notice was to inform the public of the Company's Petition, and to inform the public how it might participate in the proceedings. Sanders furnished proof that he had complied with

the instructions of the Executive Director. No Protests were filed. Lytle's Moving & Storage, Inc. intervened in the matter, but subsequently withdrew its intervention.

A hearing was held on January 24, 2001 at 10:30 AM at the offices of the Commission, with the Honorable William Saunders, Chairman, presiding. Bill Sanders Moving, Inc. was represented by Robert T. Bockman, Esquire. The Company presented the testimony of Bill Sanders and Jim Pearson. The Commission Staff was represented by F. David Butler, General Counsel. The Staff presented the testimony of George Parker and Inspector Patty Vowell.

Bill Sanders, President of the Company, testified. Sanders stated that he had been in the moving business since 1993, and that he presently has a Certificate of Public Convenience and Necessity that would allow him to haul household goods between points and places in Anderson, Oconee, Pickens, and Greenwood Counties to points and places in South Carolina. He is seeking to expand that authority to be able to haul household goods between points and places in South Carolina. Sanders testified that he has expanded his truck fleet since his initial authority was granted to include 3 straight trucks and a PAC Van, which have all been insured, and when necessary, inspected by the South Carolina Department of Public Safety. He also has a mini-warehouse and eight employees. Sanders states a belief that he is well-equipped and well-prepared to serve household goods shippers statewide.

Sanders also noted that he is familiar with the public demand for his services, and that he has turned down moves from Columbia, Charleston, Greenville, and Rock Hill,

among other areas. Sanders discussed his goal to buy old Lowe's buildings throughout the State of South Carolina in order to expand his business.

The Company also presented the testimony of Jim Pearson, owner of the Two Men and a Truck franchise in Greenville. Pearson states that his company has State-wide authority to haul household goods, and that he possesses 10 straight-trucks to provide local moves. Pearson states that he has worked 8 years in the business, and performs 160 moves per month.

Pearson states his familiarity with the public demand. Pearson testified that he has had to turn down business from all over the State of South Carolina, and has referred many shippers to Bill Sanders and his company, generally at the rate of about two shippers per month. Pearson said he would have referred even more but for Sanders limited authority. Pearson states that there is a need for more movers like Sanders on a state-wide basis. Pearson also testified that Sanders is a good quality mover.

The Commission Staff presented the testimony of L. George Parker, Jr., Manager of the Commission's Transportation Department. Parker related the complaint of Walter Gibson of Clemson, South Carolina. The records of the Commission show that Gibson claimed that he was charged a higher amount than was quoted to him for a move. The record reflected a concern that Sanders would not speak with Gibson, at first, however, he finally did, and the matter was settled to the customer's satisfaction.

Inspector Patty Vowell also testified that she caught one of Sanders' drivers in Saluda County, which was not an area authorized by the Commission. The driver was

charged with operating out of scope of authority, and subsequently plead guilty in Court to the charge.

S.C. Code Ann. Section 58-23-590(C )(Supp. 2000) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of this matter, we find that the Applicant Bill Sanders Moving, Inc. has demonstrated that it is fit, willing, and able to perform the services sought by the Application. The testimony of Bill Sanders reveals that his company is fit, willing, and able under the standards contained in 26 S.C. Regs. 103-133. Further, we find that the testimony of Sanders and Pearson indicate that the proposed service is required by the present public convenience and necessity. Although we realize that Pearson is not really a "shipper witness" as referred to in Regulation 103-133, we believe that, as the President of a major moving company, he has enough knowledge and experience to testify on the issue of whether the public convenience and necessity requires that Sanders be granted his expanded authority. Accordingly, we accept Pearson's testimony on this issue in the present case, and hold that the public convenience and necessity does require the granting of the expanded authority. By doing this, we are addressing only an exceptional case, and hold that this case shall not be precedential for future proceedings wherein shipper witnesses as required by the

regulation must be produced in a hearing on an Application for authority to haul household goods.

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the Application, and we therefore grant the amendment and expansion of Sanders' authority for the movement of household goods between points and places in South Carolina. This grant of expanded authority is contingent upon compliance with all Commission regulations as outline below.

IT IS THEREFORE ORDERED THAT:

1. The Application of Bill Sanders Moving, Inc. for an amended and expanded Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in South Carolina.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.
3. That upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann.

Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier service granted herein.

4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)